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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

TRADE AND MERCHANDISE MARKS

New Delhi, the 25th February 1963

S.O. 534.—In exercise of the powers conferred by section 133 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby makes the following rules further to amend the Trade and Merchandise Marks Rules, 1959, the same having been previously published as required by sub-section (1) of the said section, namely:—

- (1) These rules may be called the Trade and Merchandise Marks (Amendment) Rules, 1963.
- (2) In rule 82 of the Trade and Merchandise Marks Rules, 1959—
  - (a) clause (f) of sub-rule (1) shall be omitted;
  - (b) for clause (d) of sub-rule (2), the following clause shall be substituted, namely:—

“(d) a statement as to whether the registered proprietor had acquired title to the trade mark by way of assignment and if so whether he had acquired any other trade marks by the same assignment and how he had dealt with such other marks;”
  - (c) for clause (c) of sub-rule (2), the following clause shall be substituted, namely:—

“(e) a statement as to whether the registered proprietor had, before the date of the application for registration as registered user, allowed the use of the trade mark by any person and if so by whom.”
  - (d) in sub-rule (4), for the words “six months”, the words “twelve months” shall be substituted.
  - (e) after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-rule (1), where more than one application for registration as registered user is made by the same registered proprietor and the same proposed registered user in respect of trade marks covered by the same agreement, the documents mentioned in sub-rule (1) may be filed with any one of the applications and a cross reference to such documents given in the other application or applications.”

(3) After rule 87, the following rule shall be inserted, namely:—

“87A. *Registration not to imply authorisation to transmit money outside India.*—The registration as registered user of a trade mark, shall not be deemed to imply an approval of the agreement in so far as it relates to the transmission of any money, as consideration for the use of the said trade mark, to any place outside India.”

[No. 2(1)-TMP/62.]

K. V. VENKATACHALAM, Jt. Secy.